

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	15-CR-537 (VEC)
-against-	:	
	:	
RASHAAD CONYERS et al.,	:	<u>ORDER</u>
	:	
Defendants.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS the parties appeared for a status conference on June 30, 2016;

WHEREAS the Government has stated that it intends to seek a superseding indictment;  
and

WHEREAS the Coordinating Discovery Attorney has explained that there have been some delays in Defendants' receipt of discovery due to technical difficulties in preparing the discovery;

IT IS HEREBY ORDERED:

1. The Government and the Coordinating Discovery Attorney must meet and confer in person to discuss any outstanding technical issues in producing discovery with the goal of minimizing delays in Defendants' receipt of the discovery.
2. No later than **July 29, 2016**, the Government must provide statements made by all Defendants' to Defense counsel for Defense counsel's eyes only so that Defense counsel can be prepared to raise any *Bruton* issues at the appropriate time.
3. If the Government seeks another superseding indictment, that superseding indictment ("S-5") must be returned and unsealed no later than **September 1, 2016**. No additional superseding indictments will be permitted after September 1, 2016.
4. No later than **September 9, 2016**, Defendants' must file pretrial motions. The pretrial motions due on September 9, 2016 include motions to suppress, motions to dismiss, and

any *Daubert* motions, but not motions in limine nor any motions pertaining to charges first contained in the anticipated S-5 indictment or evidence first revealed in connection with such newly filed charges (collectively “S-5 Issues”). The Court will set a separate briefing schedule for motions in limine and for pretrial motions pertaining to S-5 Issues. No later than **September 30, 2016**, the Government must file its opposition to Defendants’ pretrial motions, and no later than **October 14, 2016**, Defendants’ must file their replies.

5. If there is a need for an evidentiary hearing to address Defendants’ pretrial motions, that hearing will begin on **November 14, 2016 at 10:00 a.m.** in Courtroom 318 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007.

6. The first trial in this matter will commence on **January 17, 2017**. The second trial in this matter will commence on **May 1, 2017**. The first group of Defendants to be tried will not include Defendants as to whom S-5 includes new charges. The Government has estimated each trial will last approximately two months. At this time and until the Court determines the group of Defendants for each trial, Defense counsel must maintain their availability for these trial dates, and if Defense counsel who are currently unavailable on these dates become available, they must then maintain their availability for these trial dates.

7. No later than **September 12, 2016**, the Government must submit its proposed groupings of Defendants for the two scheduled trials. No later than **September 16, 2016**, Defendants must submit their response, if any, to the Government’s proposal; Defendants need not submit formal motions to sever but should raise any severance concerns in their September 16 submissions.

8. The parties must appear for status conferences on **September 21, 2016, starting at 10:30 a.m.** in Courtroom 318 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007. As has been done for the previous status conferences, the Court


will divide the Defendants into groups of no more than eight in order to maintain an orderly courtroom during all proceedings. The Court will hold a separate status conference on September 21 for each group of Defendants. The Court will schedule the groups for the September 21, 2016 conference closer to the date of the conference. At the September 21 status conference, the Court will arraign the Defendants on the anticipated superseding indictment, set a briefing schedule for pretrial motions pertaining specifically to S-5 Issues, decide the groups of Defendants to be tried starting on January 17, 2017 and May 1, 2017, and address the need, if any, for additional trial dates for a third group of defendants.

9. No later than **September 16, 2016**, the Government and the Coordinating Discovery Attorney must submit letters to the Court addressing the status of discovery. In addition, the Government shall provide the Court with an update on the status of the Department of Justice's death penalty process.

10. For the reasons stated on the record of the June 30, 2016 conference, pursuant to 18 U.S.C § 3161(7)(A), the period of delay between June 30, 2016 and September 21, 2016, is excluded under the Speedy Trial Act. The complexity of the case, including the voluminous discovery that needs to be produced and reviewed, warrants a delay, and the ends of justice served by the lengthy continuance outweigh the Defendants' and the public's interests in a speedy trial.

**SO ORDERED.**

**Date: June 30, 2016**  
**New York, New York**

  
**VALERIE CAPRONI**  
**United States District Judge**